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Secol. II-27—100,000—21-5-49.

HOME (1949) Department.

SERIES. V-16

G.O. No. 4849

Dated 28TH OCTOBER 1949.

[Despatch Abstract.]

DRAMATIC PERFORMANCES ACT - Censoring and Classification of Films - Banning of dramatic troupes - Proposals dropped - Powers Recorded.

GOVERNMENT OF MADRAS.
Abstract.

DRAMATIC PERFORMANCES ACT - Censoring and Classification of dramas - Banning of dramatic troupes - Proposals dropped - Papers Recorded.

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HOME DEPARTMENT.

G.O.Ms.No.4247. Dated the 25th October 1949.

Read: 1. D.O.letter from the District Magistrate, Salem, dated 15-9-1949,& Lr.No.337.M/49, dated 16-9-49.
2. Letter from the District Magistrate, Mathurai, No. L.Dis.~~3228~~ 1577-M/49, dated 1-4-1949.
3. Letter from the District Magistrate, Malabar, No. L.Dis.3228.M/49, dated 4-4-1949.
4. Letter from the District Magistrate, Coimbatore, No.L.Dis.1531.M/49, dated 18-4-49.
5. Letter from the District Magistrate, Tanjore, No.Dis.2297/49-M, dated 2-5-1949.
6. Letter from the District Magistrate, Tiruchirapalli, No.L.Dis.1294-49.M, dated 4-5-1949.
7. Letter from the District Magistrate, Tirunelveli, L.Dis.No.M.1003/49, dated 4-5-1949.
8. Letter from the District Magistrate, Krishna, C.No. 2040-M/49, dated 11-5-1949.
9. Letter from the District Magistrate, South Arcot, L.Dis.1438/49, dated 11-5-49.
10. Letter from the District Magistrate, Kurnool, No.L.1645.M/49, dated 7-5-49.
11. Letter from the District Magistrate, Bellary, No.L.Dis.C.1056/49, Magl., dated 19-5-1949.
12. Letter from the Commissioner of Police, No. 11083.E2/49, dated 31-5-49.
13. Letter from the District Magistrate, Vishakapattinam No.M.L.Dis.1068/49, dated 1-6-1949.
14. Letter from the District Magistrate, Nellore, No.L.Dis.877-M/49, dated 6-6-1949.
15. Letter from the District Magistrate, Guntur, No.Rc.985-49.C3, dated 14-6-1949.

ORDER:

The Government have decided that it is not necessary to pursue the matter.

BY ORDER OF THE GOVERNOR OF MADRAS.

Sd/- x x
Secretary to Government

To the District Magistrate, South Arcot.
" Bellary.
" Coimbatore.
" Guntur.
" Krishna
" Kurnool
" Mathurai
" Malabar
" Nellore
" Salem
" Tanjore
" Tiruchirapalli
" Tirunelveli
" Vishakapatnam.
To the Commissioner of Police, Madras.

(True copy)

Superintendent,
Madras Record Office.

KRVD.4.7.

SUMMARY.

The proposals in this file are:--

(1) that a Board of Censorship be set up for plays (dramas) in the same way as there is now a Board for the censorship of films. (The Board should censor all plays especially with regard to dialog theme and costumes;)

(2) that certain kinds of plays should be banned altogether for exhibition except to adults, in the same way as there are films which can be shown to adults only and the rest which are licensed for universal exhibition;

(3) when a dramatic ~~tmm~~ troupe is found to be habitually enacting dramas which are of a scandalous or defamatory nature or which are otherwise objectionable, such a troup should be prohibited from enacting dramas.

Some select D.Ms. and the Commr. of Police were consulted on the proposals and a consolidated statement of their opinion is put up at (N).

2. Censorship of plays:- The staging of objectionable dramas is controlled by the Dramatic Performances Act, 1876. This Act does not provide for the constitution of a Board of Censors for dramas like the Cinematograph Act, which specifically provides for the constitution of a Board of Censors for films. It does not appear that the question of forming a censorship Board for dramas has been considered before. As the Act does not provide for the formation of a Censorship Board for dramas, if the proposal is to be proceeded with, the Act will have to be amended suitably by undertaking legislation for the purpose.

Of the 14 D.Ms. and the Commr. of Police who were consulted on the proposal, the D.Ms., South Arcot, Bellary, Coimbatore, Guntur, Salem, Tiruchirapalli and Vishakapatnam and the Commr. of Police have agreed to the proposal. The D.M., South Arcot has pointed out that apart from setting up a Board of Censors, local authority must be endowed with sufficient powers to deal with any actor who introduces extempore speeches while staging a drama. The D.M. Tiruchirappalli, has also expressed similar opinion. The D.M., Bellary, has suggested that a Board of Censors may be set up in each district with necessary powers. The D.M., Kurnool, has pointed out that the proposal is a sound one in theory but it will be found difficult to censor in practice, all dramas. He has suggested that now-a-days "Burra Katha" performances are getting more popular and such plays should also be subjected to censorship. The D.M., Tirunelveli, has pointed out that the proposal is commendable but there are some inherent difficulties; submission of dialogues etc. for censoring and particularly the performances of the play before the censors will prove cumbersome and dilatory and an inconvenient affair. He has, therefore, suggested that the Board to be set up may be invested with powers to control dramatic performances either 'suo moto' on public report or on public complaint without necessarily demanding prior submission or ~~exhibitexmmx~~ performances of the drama. The Commissioner of Police, while agreeing to the proposal has suggested that the present Board of Film Censors may be entrusted with the work of censoring dramas also.

The D.M., Krishna, however, has opposed the proposal. He has stated that he has discussed the matter with several police officers and Magistrates and with prominent non-officials such as the chairman of the Vijayawada municipality. He has pointed out that the setting up of a Board ~~of~~ or rather Boards of Censors for dramatic performances is good in principle but likely to be expensive, ineffective and unpopular in practice. There would have to be separate Boards for each regional language and probably owing to the dramas and sketches to be censored, several Boards

several Boards may have to be set up for these areas. There is in practice very little immorality in dramatic performances in this country and there are at present sufficient powers under section 144 Cr.P.C. to stop performances likely to disturb the public peace.

The D.M. has also pointed out that censoring dramas would be a serious handicap to village performances and that it would also be necessary to make it an offence to "gag" or make divergencées of additions to the script during the performances.

In the circumstances stated by the District Magistrate, Krishna, it is doubtful whether there is a case for undertaking legislation to amend the Dramatic ~~Perf~~ Performances Act in order to provide for the constitution of Censor Boards for Dramas. It may be noted in this connection that section 10 of the Act provides that the Provincial Government may extend the provision of this section to any area and direct that no dramatic performan shall take place in any place of public entertainment within the area except under a licence to be granted by an officer authorise by the Government. It appears that if the provisions of this section are extended to the whole of the Province and the D.Ms. and S.D.Ms., Commr. of Police and Deputy Commissioners of Police authorised to issue licenses for staging of dramas, it will be possible for them to scrutinise the script of each drama about to be staged and withhold a licence, if they consider that the drama is objectionable

t may also be mentioned here that the provisions of section 10 of the Dramatic Performances Act were applied to the Districts of Krishna and Guntur in 1922, to West Godavari in 1925, to Salem in 1931 and to Tirunelveli in 1932. But this was subsequently withdrawn in 1938 for the reason that there is no need anywhere in the Province for the application of sectio 10 of the Act. Subsequently, in August, 1948, the provisions of this section have been extended to the Malabar district in order to prohibit the performance of Communist Melas.

3. Classification of dramas Of the 14 D.Ms. and the Commr. of Police who were consulted on the proposal for the classification of dramas, the D.Ms. Bellary, Coimbatore, Mathurai Malabar, Nellore, Salem, Tanjore, Tiruchirapalli, Vishakapatnam and the Commissioner of Police have agreed to the proposal. But the D.M., Guntur, has pointed out that the suggestion is no doubt wholesome but in the actual working of it, there will be some difficulty and it is better to leave it out altogether, rather than to make a distinction. The D.M., Krishna has pointed out that the exclusion of children from certain dramatic performances would be impracticable and the "adults only" condition is not well enforced in practice even in England. He has also pointed out that it is difficult to define what is not indecent for adult view and yet both indecent for and within the understanding of a child. It is the practice for children to wander in and out of rural audiences during a performance and it would be difficult to prevent them doing so. The D.M., Kurnool, has stated that it is better to start with films in this direction before dealing with dramas which generally observe certain standards of decency not objectionable ~~xxxxx~~ even to children. If anything is found objectionable to children, such portions can be censored instead of discriminating between adults and children as it would be difficult to enforce the ban against children in practice. The D.M., Tirunelveli, has also stated that though the distinctio between "Adult" and "Universal" films is made in England yet the rule, it appears, is never observed in practice and that it will be better not to introduce such distinctions, as cases of obscenity or other atribute of the play will be extremely small. The D.M., South Arcot has stated that in the interest of clean drama no distinction need be made in the dramas and all dramas which are not fit for universal exhibition may be banned.

It may be noted here that an Act amending the Cinematograph Act, 1918, has recently been passed by the Central Legislature. It provides for the classification of films as "A" or "U" films and it also provides for restricting non-adults from witnessing an "A" film. Govt. of India have proposed to enforce this Act with effect from 15-7-49 and the President of the Board of Film Censors has agreed that the films may be classified as "A" or "U" films according to their merit, from the date of enforcement of the Act. It is to be seen that how far this scheme will work successfully, ~~xxxxxxxxxxxx~~ in India though some of the D.Ms. have pointed out that it is not working successfully in England.

In the circumstances pointed out by some of the D.Ms. it seems undesirable to proceed with this proposal of classifying dramas at present. Moreover this proposal is dependent upon proposal(1) because only if there are censorship Boards for dramas, they can classify dramas as fit for adults only or for universal performance. This proposal need not perhaps be pursued, until the working of this principle in regard to films is proved to be a success.
[The D.M South Arcot has not offered any remark on this head.]

4. Prohibiting a troupe from performing dramas:- The D.Ms. ~~South Arcot~~, Bellary, Coimbatore, Guntur, Madura, Malabar, Nellore, Salem, Tanjore, Tiruchirapalli, Tirunelveli, Vishakapatnam and the Commissioner of Police, Madras have agreed to the proposal. But the D.M., Krishna, has pointed out that it is difficult to define a troupe, that a change in the name and the dropping of one or two actors does not make it a different troupe, that it would be easier to forbid individual actors from performing but the whole proposal savours of tyranny. The D.M., Kurnool, has stated that the dramatic troupes are not required to take any license from the District Magistrates before enacting a drama and such dramatic performances are often enacted in interior villages without the knowledge of any magistrate. He has suggested that it may be desirable to insist on the proprietor of any dramatic troupe to give in writing an intimation to the D.M. and to the Magistrate of the Taluk having jurisdiction, of the dates and place in which they wish to enact a drama at least a week in advance so that the Magistrate may watch and see whether any action under the Act may be necessary.

As the D.M., Krishna, has pointed out the proposal appears to lay hands on individual liberty and therefore may be opposed by some sections of the Public. As regards the suggestion of the D.M., Kurnool, it may be noted that if section 10 of the Dramatic Performances Act is extended to a particular area, every performance should take place only after taking out a licence from an officer notified under that section.

5. The question for decision is

(1) whether the proposals to set up a Board of Censorship for dramas and to classify dramas as suitable for universal performances and for "adults only" should be pursued: and

(2) whether the proposal to take power to prohibit dramatic troupes performing objectionable dramas should be pursued: or

(3) whether the provision of section 10 of the Dramatic Performances Act may be extended to all the districts and the City and the D.Ms., S.D.Ms., etc., empowered to call for scrutiny the script of the dramas and grant permission for the staging of each individual drama.

Public (Genl.) may see for remarks before circulation.

I have tried to find out whether there are any analogous laws concerning censorship of dramas elsewhere but have not been ~~quite successful in the effort. The law in England the Theatres~~ quite successful in

quite successful in the effort. The law in England the Theatres Act, 1843 provides that every new play shall be submitted to the Lord Chamberlain at least 7 days before its first acting or presenting, with an account of the theatre where and the time when the same is intended to be first acted or presented. There is also another law in England - Theatrical Employers Registration Act, 1925 - which provides for the registration of employers of Theatrical Employees. The Indian Penal Code penalizes sedition (section 124-A) and also doing any obscene act in any public place or singing or reciting or uttering of obscene songs, words etc. to annoy others (sec.294). These provisions could be availed of only after the drama has been enacted if such an offence has been committed. The purpose of the present proposal is to prevent it, by subjecting dramas to censorship. The provisions of 1876, in a way enable the authorities to control an objectionable performance before the drama is enacted. But section 10 of this Act has not been extended throughout the Province, so that by the time this section is extended, the mischief would have been done. In any case, this provision will not be as effective in preventing the enactment of objectionable dramas as it would be if dramas are required to be subjected to censorship. ~~Sections 3 and 10 of the Dramatic Performances Act etc.~~

2. Most of ~~the~~ the District Magistrates agree to the proposal to set up a Board of Censorship for dramas, as for cinematograph films. Some of the District Magistrates however have pointed out that though the proposal is sound in theory, it would be difficult to work it in practice. If it is decided to give effect to the proposal by amending the Dramatic Performances Act for the purpose, the following points may be noted:-

(1) A single Board for the whole Province would be quite unweildy; it may be necessary to set up one Board for each district and for the City. The constitution, the procedure to be followed by such boards etc., may be left to be governed by rules to be framed under the Act.

(2) Section 12 of the Dramatic Performances Act exempts Jatras or performances of a like kind at religious festivals, from the provisions of the Act. They may be similarly exempted from censorship. The question, however, arises whether dramas written for the occasion, for exampae, for school or other social functions, need be excluded from censorship. ~~If necessary, powers may be excluded from censorship~~ If necessary, powers may be taken in the Act for the Provincial Government or an authority named by it, to exclude any class of dramas from the scope of censorship.

(3) Where the text of the drama is available, either in manuscript or in print, it will facilitate censorship, but mischief can be done by adding extempore songs or dialogues during the performances and also in pantomime. It will therefore ~~xxx~~ be necessary to penalise deviations of this nature from the text when once a drama has been censored; but as pointed out by certain D.Ms. it will be very difficult, if not impossible, to enforce such a provision effectively in all cases.

Provision may, however, be made to the effect that when a certificate of censorship is granted, the performance should be substantially the same as the certified version and should not materially differ from it.

3. As regards the question whether dramas should be classified as 'Universal' or 'for adults only', some of the D.Ms. are definitely against such classification because it would be unworkable. Even in England it appears that the 'adults only' condition is not well enforced in practice. Some District Magistrates have pointed out that if anything is found objectionable to children, such portions can be cut out altogether. Even if a provision for such classification is included, it need not be enforced immediately; but a

at a future date to be notified--it may be years before it is brought into effect - and for such areas as may be indicated in the notification.

4. In regard to the proposal to prohibit dramatic ~~xxx~~ troupes, besides dramatic pieces, many D.Ms. agree; but certain practical difficulties have been pointed out by the D.M., Krishna. We can control such ~~xxx~~ troupes by requiring them register themselves as in the English Law - the Theatrical Employers Registration Act, 1925. Professional troupes are not many and it would not therefore be difficult to enforce such licensing provisions. Amateur clubs may be exempted, and also "persons who; not gain or by way of business, employ for charitable performances".

5. The remarks of Public (General) may be invited, before orders are taken in circulation in regard to the points raised at X on ~~pxx~~ p.12 ante.

I do not think it is worthwhile or even necessary at this stage to devise this new machinery. Dramas are not so popular as Cinemas and any obnoxious plays are now being banned under the Dramatic Performances Act and we can continue to do so till it is found that there is need to amend the Act so as to make it more comprehensive.

Intd. x x
10/9/49.

Public (Genl-A) Deptt.

This Deptt. last noted on pp.4-5 above.

2. The proposals in this file are enumerated at A on p.7 above and have been examined in detail by Home in their notes on pp.7-15 above. The views of Home Secretary at X on p.15 above may be agreed to in this Deptt. and the file returned to Home. They will no doubt circulate the case to H.Pr. also.

Intd. x x
Chief Secretary. 27/9.

ome ~~Ex~~ (G) Department.

The proposals dealt with in this file are:-

1) whether a Board of Censorship for dramas should be set up in the same way as there is now a Board for the Censorship of films.

2) whether dramas should be classified as suitable for 'universal performances' and for "adults only" in the same way as films are classified as suitable for "adults only for 'Universal exhibition'

3) whether powers should be taken to prohibit a troupe from enacting objectionable dramas or whether the provisions of section 10 of the Dramatic Performances Act, 1876, may be extended to all Districts and the City and the D.Ms., S.D.Ms. etc. empowered to call for scrutiny the script of the dramas and grant permission for the staging of each individual drama.

The proposals have been examined in detail in the notes at pp.7-15 ante after obtaining the views of some select D.Ms. and the Commissioner of Police.

Home Secretary is of opinion that it is not worthwhile or

even necessary at this stage to devise a new machinery to work out the proposals, that dramas are not so popular as cinemas, that any obnoxious plays are now being banned under the Dramatic Performances Act and that we can continue to do so till it is found that there is need to amend the Act so as to make it more comprehensive . Public Department have agreed with Home Secretary. The file may be circulated to H.M.(E & L) and H.Pr. for orders whether the proposals may be dropped and the papers recorded.

Intd x x
13/10/49

May be dropped as all controls not quite necessar on essential are better avoided.

Intd. x x
14/10/49.

H.M.(E. & L)

H.Pr.

A draft order is submitted for approval.

Intd. x x
22/10/49.

(Issued as G.O.Ms.4247, Home, dated 29-10-49)

(True copy)

Superintendent,
Madras Record Office.

KRVD.4.7